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Ref: 58038-0043

September 9, 2009

VIA EMAIL AND U.S. MAIL

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Re: Comments to Revised Draft Focused Feasibility Study  
North Hollywood Operable Unit  
San Fernando Valley Area 1 Superfund Site

Dear Mr. Schauffler and Ms. Loftin:

We represent CalMat Co., dba Vulcan Materials Company, Western Division, a Delaware Corporation ("CalMat"), in connection with the North Hollywood Operable Unit ("NHOU") of the San Fernando Valley Superfund Site, Area 1 ("Site"). We strongly urge the Environmental Protection Agency ("EPA") to delay and significantly revise the proposed NHOU Focused Feasibility Study and Proposed Plan for the Second Interim Remedy ("FFS").

A. Overview

Implementing the FFS as proposed is premature. Serious data gaps exist concerning the location of source areas and the extent of the contamination. Impacts to drinking water wells have not been adequately analyzed. Premature adoption of the FFS could undoubtedly result in cross contamination, potentially spreading source material to previously uncontaminated depths and hydrogeologic units. Moreover, deepening wells and installing three new wells could similarly alter the existing plume. The EPA would sacrifice public trust in open government and compromise scientific credibility by adopting the FFS. It is also irresponsible to even request that a scant few alleged Potentially Responsible Parties ("PRPs") to pay the estimated \$107,800,000 bill when the EPA has failed to conduct any form of detailed PRP search. The considered alternatives have no bearing on fiscal reality. Approving the FFS would be even

more egregious because the FFS is simply an interim solution and the EPA has alluded to further, more costly remedies.

B. The EPA Must Gather More Environmental Data Before Adopting A Deficient FFS

The EPA acknowledges the need for further groundwater characterization. The July 2009 Proposed Plan for Enhanced Groundwater Remedy states that "[t]he exact number, location, and pumping rates for the groundwater extraction wells are estimated and will be finalized during the remedial design" (p. 6). This ambiguity is unacceptable.

Currently, no groundwater data exists that demonstrates the potential for elevated chromium in groundwater in the NHOU. Only one monitoring well lies in this area which and has shown a chromium concentration of 2.4 ug/L. While the proposed monitoring wells T-1 and T-2 may provide chromium data and help determine the natural groundwater divide, the astronomical costs associated with implementing this \$30 million dollar remedy is unjustified, particularly since the outcome is uncertain. It is unclear how the EPA reached a conclusion that chromium treatment is necessary without an established maximum contaminant level for chromium.

Moreover, the target volumes for hydraulic containment in the FFS are based upon maximum detected concentrations from monitoring data collected between 2003 and 2007. This information is outdated and certainly does not reflect current groundwater conditions.

Rather than proceeding on incomplete data, the EPA should focus on characterizing contaminant plumes migrating from source areas. This action would serve a dual purpose: foster credibility in the data and identify additional PRPs to share liability. Ultimately, proper gathering of scientifically verifiable data on sources and the extent of the contaminant plumes would result in a refined remedy that will achieve the EPA's stated goal, maximization of beneficial groundwater use.

C. Drilling Deeper Wells and Installing New Wells Will Cause Cross Contamination and Alter the Existing Contaminant Plume

Regionally, the groundwater flows toward the southeast, toward the Los Angeles River Narrows. Locally, well field pumping and groundwater recharge at the Hansen, Branford and Tujunga spreading grounds influence groundwater flow. The FFS states that the groundwater flow direction in the NHOU is influenced by pumping of the production well fields surrounding the existing NHOU Extraction and Treatment System and the Burbank Operable Unit remedy wells, which are located approximately 4 miles east of the NHOU (p.1-6). Moreover, pumping from the treatment system has created a large cone of depression to the east/southeast of the NHOU (*Ibid.*). These facts demonstrate the likelihood of land surface topography alteration and the potential cross contamination of existing plumes.

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The additional new wells may likely pull solvent contaminants toward the Rinaldi-Toluca Well Field and the surrounding area. The potential of the smearing of the plume horizontally and vertically may also result from the deepening of the existing wells and installation of new wells.

D. Imposing a \$107M "Interim" Remedy on a Handful of PRPs is Irresponsible and Inequitable

Implementation of an interim remedy before completion of assessment or identification of significant PRPs is premature. Adopting the FFS would be even more egregious since the interim remedy is not intended to fully remediate the known contamination.

Contrary to its representations last year in connection with the interim funding request, the EPA appears to have no intention of investigating other PRPs and/or expanding the potential PRPs for additional funding. First, the EPA previously represented that it was investigating over a hundred new PRPs in the NHOU. To date, we have seen no evidence that the EPA conducted any such investigation. Second, during an interim funding campaign in the past year, the EPA assured those parties who signed an agreement, including CalMat, that those who failed to cooperate would incur severe punitive actions, including a demand to complete or fund a distinct scope of work. The EPA never followed through, never imposed a particular scope of work on those who refused to pay any portion of the interim funding request, never issued "Special Notice" letters to the recalcitrant parties, and never penalized the recalcitrants in any way. In other words, the EPA imposed no consequences on those parties who directly refused an EPA request.

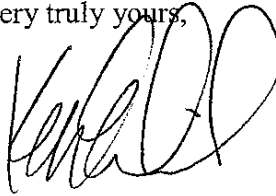
The EPA's course of action penalizes those conscientious and responsible parties, including CalMat, who cooperated with the EPA's funding request. Moreover, since the EPA has indicated that a third, fourth and potentially ongoing remedies are likely in the future, it would be patently unfair to rely on a handful of PRPs to fund a series of interim, "enhanced" remedies could be pursued for decades into the future.

With this submission, we respectfully request that the EPA delay and revise the FFS to allow for the collection of analysis of scientifically verifiable data to establish a definitive and final remedy to address the potential of exposure to contaminated drinking water in the NHOU and that correct PRPs are identified. To adopt the FFS as proposed would severely undermine the public trust in the EPA.

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Please contact our office with any questions or comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ken A. Ehrlich', written over the closing 'yours,'.

KENNETH A. EHRLICH,  
a Professional Corporation of  
Jeffer, Mangels, Butler & Marmaro LLP

KAE:aht

cc: Amy Tsai-Shen, Esq.